UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

To: ☑ U.S. District Judge / ☐ U.S. Magistrate Judge John A. Kronstadt

From: Luz Hernandez, Deputy Clerk Date Received: 06/02/2017

Case No.: 2:17-cv-00866-JAK-Ex Case Title: Trojan Capital Investments, LLC v. Yuzon et al

Document Entitled: Ex Parte Application To Re-Open Case For The Limited Purpose of Vacating Order

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- ☐ Local Rule 5-4.1 Documents must be filed electronically
- ☐ Local Rule 6-1 Written notice of motion lacking or timeliness of notice incorrect
- ☐ Local Rule 7-19.1 Notice to other parties of ex parte application lacking
- ☐ Local Rule 7.1-1 No Certification of Interested Parties and/or no copies
- ☐ Local Rule 11-3.1 Document not legible
- ☐ Local Rule 11-3.8 Lacking name, address, phone, facsimile numbers, and e-mail address
- ☐ Local Rule 11-4.1 No copy provided for judge
- ☐ Local Rule 11-6 Memorandum/brief exceeds 25 pages
- ☐ Local Rule 11-8 Memorandum/brief exceeding 10 pages shall contain table of contents
- ☐ Local Rule 15-1 Proposed amended pleading not under separate cover
- ☐ Local Rule 16-7 Pretrial conference order not signed by all counsel
- ☐ Local Rule 19-1 Complaint/Petition includes more than 10 Does or fictitiously named parties
- ☐ Local Rule 56-1 Statement of uncontroverted facts and/or proposed judgment lacking
- ☐ Local Rule 56-2 Statement of genuine disputes of material fact lacking
- ☐ Local Rule 83-2.5 No letters to the judge
- ☐ Fed. R. Civ. P. 5 No proof of service attached to document(s)
- ☑ Other: Case closed.

Please refer to the Court's website at www.cacd.uscourts.gov for Local Rules, General Orders, and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date U.S. District Judge / U.S. Magistrate Judge

☒ The document is **NOT** to be filed, but instead **REJECTED**, and is ORDERED returned to counsel.* Counsel* shall immediately notify, in writing, all parties previously served with the attached documents that said documents have **not** been filed with the Court.

JUN 06 2017

Date U.S. District Judge / U.S. Magistrate Judge

* The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 -ORIGINAL-OFFICE COPY 2 -JUDGE COPY 3 -SIGNED & RETURNED TO FILER COPY 4 -FILER RECEIPT

A MARTINES
25531 Prado De Las Bellotas
Calabasas CA 913029
(949) 342-5529
john.legalaidca@gmail.com
Defendant in pro per

RECEIVED BUT NOT FILED
CLERK, U.S. DISTRICT COURT
JUN - 2 2017
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TROJAN CAPITAL INVESTMENTS, LLC

Plaintiff,

vs.

BENIGNO YUZON JR., and DOES 1 to 10 inclusive,

Defendants.

EX PARTE APPLICATION TO RE-OPEN CASE FOR THE LIMITED PURPOSE OF VACATING ORDER (28 U.S.C. § 1446(d))

Cass No: **CV17-00866-JAK-** (EX)

(Previously Superior Court Case No.: 15B14162)

TO THE COURT, Plaintiff, Plaintiff's attorney of record and all other interested parties;

PLEASE TAKE NOTICE, Defendant, A. Martines, hereby applies, ex parte, for an order re-opening this case for the limited purpose of vacating the judgment entered by the State of California County of Los Angeles Superior Court on February 3, 2016 in case number 15B14162 following removal of said case on February 3, 2016 to the jurisdiction of the United States District Court and after notice had been duly filed with both the State of California Los Angeles Superior Court and the United States District Court.

BACKGROUND

On November 3, 2015, alleging to have foreclosed on the second mortgage on the real property premises known as 25531 Prado De Las Bellotas, Calabasas California in which Defendant, A. Martines, is a tenant, the Plaintiff initiated an unlawful detainer action against this Defendant in violation of California Code of Civil Procedure 1161(b) to which he has properly responded.

On February 2, 2016, this case was removed from the jurisdiction of the Superior Court of the County of Los Angeles to the jurisdiction of the United States District Court for the Central District of California whereupon it was identified as case number 2:2017-cv-00866 and assigned to the Honorable John A. Kronstadt, United States District Court Judge.

On February 2, 2016, notice of said removal was duly filed in said Superior Court, (hereinafter referred to as the State Court) and United States District Court.

On February 3, 2016, notwithstanding the foregoing and unbeknownst to said Defendant, the State Court held proceedings and entered a judgment against him and others.

On February 10, 2016, this matter was remanded to the Superior Court of the County of Los Angeles.

MEMORANDUM OF POINTS AND AUTHORITIES

28 U.S.C. § 1446(d) states, in pertinent part, that following the filing of a notice of removal, the state court "shall proceed no further unless and until the case is remanded."

"The clear language of the general removal statute provides that the state court loses jurisdiction upon the filing of the petition for removal." Resolution Trust Corp. v. Bayside Developers, 43 F.3d 1230 (9th Cir. 1994) (citations omitted) (taking state appellate opinion as it was the date of removal—not final); see also California ex rel. Sacramento Metropolitan Air

Quality Mgmt. Dist. v. U.S., 215 F.3d 1005, 1011 (9th Cir. 2000) (stating that removal necessarily divests state court of their jurisdiction and noting authority that "following removal, any further proceedings in a state court are considered *coram non judice* and will be vacated even if the case is later remanded").

Based on the judgment made and entered by the State Court *after* the removal was duly effectuated, a writ of possession was issued whereby this Defendant is now in immediate danger of irreparable harm because the Los Angeles County Sheriff served a five day notice for him to vacate said premises.

WHEREFORE Defendant Martines hereby requests such prompt, immediate and effective relief as this Honorable Court deems just and proper .

Respectfully Submitted, this 1st day of June, 2017

A. Martines, Pro Se

DECLARATION OF A. MARTINES

I, A. Martines, declare:

1. I am a Defendant in the herein identified case, whereby I have first hand knowledge of the facts set forth in this declaration, except those known to me on information and belief, therefore, if called upon to do so, I could and would be able to competently testify to the following:
2. I make this declaration in support of my ex-parte application.
3. I am informed and believe that Plaintiff alleges to have acquired the real property subject to my tenancy through a foreclosure sale conducted October 6, 2016 for Plaintiff in connection to the beneficial interest in a purportedly defaulted note secured by a second trust deed that Plaintiff purchased from National City Bank through PNC bank.
4. I am also informed and believe that since its alleged acquisition of the subject real property Plaintiff has failed to make single payment toward the first mortgage note and trust deed in favor of U.S. Bank N.A. (a true and correct copy of the pertinent notice of trustee's sale is included herewith as exhibit 1 hereto and thus made a part hereof)
5. I am further informed and believe that since its alleged acquisition of the subject real property Plaintiff has failed to make single payment to the Oaks of Calabasas Homeowners Association resulting in the termination of my access to certain common use areas including my ability to receive mail and packages addressed to the residence.
6. On November 3, 2015, alleging to have foreclosed on the second mortgage on the real property premises known as 25531 Prado De Las Bellotas, Calabasas California, in which I am a a tenant, the Plaintiff initiated an unlawful detainer action against me in violation of California Code of Civil Procedure 1161(b), to which I have properly

responded.

7. On February 2, 2016, I caused this case to be removed from the jurisdiction of the Superior Court of the County of Los Angeles to the jurisdiction of the United States District Court for the Central District of California whereupon it was identified as case number 2:2017-cv-00866 and assigned to the Honorable John A. Kronstadt, United States District Court Judge.

8. On February 2, 2016, I duly filed notice of said removal in said Superior Court, (hereinafter referred to as the State Court) and United States District Court. (true and correct copies of said notices are included herewith as exhibit 2 hereto and thus made a part hereof)

9. On February 3, 2016, notwithstanding the foregoing and unbeknownst to me, the State Court held proceedings and entered a judgment against me and others. (a true and correct certified copy of the record of said proceedings is included herewith as exhibit 3 hereto and thus made a part hereof)

10. On February 10, 2016, this matter was remanded to the Superior Court of the County of Los Angeles. (a true and correct copy of the notice of remand is included herewith as exhibit 4 hereto and thus made a part hereof)

11. Based on the judgment made and entered by the State Court, without notice to me and without my knowledge, and done so *after* the removal was duly effectuated, a writ of possession was issued that I did not know of until the Los Angeles County Sheriff served a five day notice for me to vacate said premises. Accordingly I was denied trial and am now in immediate danger of irreparable harm. (a true and correct copy of said notice is included herewith as exhibit 5 hereto and thus made a part hereof)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 17th day of November, 2016

A Martines, in pro per

EXHIBIT 1

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08/26/2016

20161019206

Recording requested by:
Quality Loan Service Corp.
Title365
When recorded mail to:
Quality Loan Service Corporation
411 Ivy Street
San Diego, CA 92101

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TS No. **CA-16-732287-HL**
Order No.: **730-1604833-70**

NOTICE OF TRUSTEE'S SALE

NOTE: THERE IS A SUMMARY OF THE INFORMATION IN THIS DOCUMENT ATTACHED TO THE COPY PROVIDED TO THE MORTGAGOR OR TRUSTOR (Pursuant to Cal. Civ. Code 2923.3)
注：本文件包含一个信息摘要
참고사항: 본 첨부 문서에 정보 요약서가 있습니다
NOTA: SE ADJUNTA UN RESUMEN DE LA INFORMACIÓN DE ESTE DOCUMENTO
TALA: MAYROONG BUOD NG IMPORMASYON SA DOKUMENTONG ITO NA NAKALAKIP
LƯU Ý: KÈM THEO ĐÂY LÀ BẢN TRÌNH BÀY TÓM LƯỢC VỀ THÔNG TIN TRONG TÀI LIỆU NÀY

YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 5/4/2007. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

A public auction sale to the highest bidder for cash, cashier's check drawn on a state or national bank, check drawn by state or federal credit union, or a check drawn by a state or federal savings and loan association, or savings association, or savings bank specified in Section 5102 to the Financial Code and authorized to do business in this state, will be held by duly appointed trustee. The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

BENEFICIARY MAY ELECT TO BID LESS THAN THE TOTAL AMOUNT DUE.

Trustor(s): **BENIGNO YUZON, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY**
Recorded: **5/16/2007** as Instrument No. **20071186373** of Official Records in the office of the Recorder of **LOS ANGELES** County, California;

Date of Sale: **9/28/2016 at 11:00 AM**
Place of Sale: **By the fountain located at 400 Civic Center Plaza, Pomona, CA 91766**
Amount of unpaid balance and other charges: **$2,566,176.70**
The purported property address is: **25531 PRADO DE LAS BELLOTAS, CALABASAS, CA 91302**
Assessor's Parcel No.: **2069-098-007**

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This page is part of your document - DO NOT DISCARD

COUNTY OF LOS ANGELES CALIFORNIA

20161019206

Pages: 0003

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

08/26/16 AT 08:00AM

FEES:	28.00
TAXES:	0.00
OTHER:	0.00
PAID:	28.00

LEADSHEET

201608260150032

00012548463

007763412

SEQ:
07

DAR - Title Company (Hard Copy)

THIS FORM IS NOT TO BE DUPLICATED

T96

E400070

EXHIBIT 2

CM-180

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
A MARTINES 25531 Prado De Las Bellotas Calabasas CA 913029 TELEPHONE NO.: 818 786-0090 FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*: Defendant in pro per	FILED Superior Court of California County of Los Angeles FEB 03 2017 Sherri R. Carter, Executive Officer/Clerk By [signature] Deputy T. Menefee
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: 6230 Sylmar Avenue CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Van Nuys Courthouse East	
PLAINTIFF/PETITIONER: TROJAN CAPITAL INVESTMENTS, LLC DEFENDANT/RESPONDENT: BENIGNO YUZON J.	
NOTICE OF STAY OF PROCEEDINGS	CASE NUMBER: **15B14162** JUDGE: Com. Marilyn M. Mordetzky, DEPT.: H

To the court and to all parties:

1. Declarant *(name)*: A. Martinez
   a. ☐ is ☑ the party ☐ the attorney for the party who requested or caused the stay.
   b. ☐ is ☐ the plaintiff or petitioner ☐ the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.

2. This case is stayed as follows:
   a. ☑ With regard to all parties.
   b. ☐ With regard to the following parties *(specify by name and party designation)*:

3. Reason for the stay:
   a. ☐ Automatic stay caused by a filing in another court. *(Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)*
   b. ☑ Order of a federal court or of a higher California court. *(Attach a copy of the court order.)*
   c. ☐ Contractual arbitration under Code of Civil Procedure section 1281.4. *(Attach a copy of the order directing arbitration.)*
   d. ☐ Arbitration of attorney fees and costs under Business and Professions Code section 6201. *(Attach a copy of the client's request for arbitration showing filing and service.)*
   e. ☐ Other:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 2/3/2017

A. Martines
(TYPE OR PRINT NAME OF DECLARANT)

[signature]
(SIGNATURE)

SC
Continued
2/3/17

Form Adopted for Mandatory Use
Judicial Council of California
CM-180 [Rev. January 1, 2007]

NOT

Cal. Rules of Court, rule 3.650
www.courtinfo.ca.gov

Case 2:17-cv-00866-JAK-E Document 2 Filed 02/02/17 Page 1 of 1 Page ID #:18

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY(S) OR OF PARTY APPEARING IN PRO PER

A. MARTINES
25531 PRADO DE LASBELLOTAS
CALABASAS CA 91802
818 786-0090

ATTORNEY(S) FOR: IN PRO PER

FILED

2017 FEB -2 PM 4: 13

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TROJAN CAPITAL INVESTMENTS LLC

Plaintiff(s),

v.

BINIGNO YUZON JR AND DOES 1-10

Defendant(s)

CASE NUMBER:

CV17-00866-JAK(Ex)

CERTIFICATION AND NOTICE OF INTERESTED PARTIES (Local Rule 7.1-1)

TO: THE COURT AND ALL PARTIES OF RECORD:

The undersigned, counsel of record for A. MARTINES or party appearing in pro per, certifies that the following listed party (or parties) may have a pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal.

(List the names of all such parties and identify their connection and interest. Use additional sheet if necessary.)

PARTY	CONNECTION / INTEREST
MICHELLE R. GHIDOTTI 5120 E. LAS PALMAS AVE. SUITE 206 ANAHEIM HILLS CA 92807	PLAINTIFF COUNSEL

2-2-2017
Date

Signature

Attorney of record for (or name of party appearing in pro per):

A. MARTINES IN PRO PER

A MARTINES
25531 Prado De Las Bellotas
Calabasas CA 913029
Defendant in pro per

FILED

2017 FEB -2 PM 4: 13

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TROJAN CAPITAL INVESTMENTS, LLC Plaintiff, vs. BENIGNO YUZON JR., and DOES 1 to 10 inclusive, Defendants.	**NOTICE OF REMOVAL OF ACTION UNDER 28USC §§ 1441 AND 1446 FEDERAL QUESTION** Case No.: 15B14162 CV17-00866-CJC(Ex)

TO THE COURT, The Plaintiff, Trojan Capital Investments, LLC Plaintiff's attorneys of record and all other interested parties;

PLEASE TAKE NOTICE that Defendant, A Martines, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby files this Notice of Removal from the Superior Court of California County of Los Angeles to the United States District Court for the Central District of California.

The grounds for removal are as follows;

EXHIBIT 3

SUPERIOR COURT OF THE STATE OF CALIFORNIA
NORTHWEST DISTRICT-VAN NUYS COURT
COUNTY OF LOS ANGELES

FOR COURT USE ONLY

PLAINTIFF : TROJAN CAPITAL INVESTMENTS LLC
VS
DEFENDANT : YUZON JR, BENIGNO

DEFAULT JUDGMENT BY COURT

CASE NUMBER
15B14162

In Department NWH,
Honorable MARILYN M. MORDETZKY , COMMISSIONER Presiding.
Court convened on 2/03/17; and the following proceedings were had:

The defendant(s)
BENIGNO YUZON JR
A MARTINES

Having been served with a copy of the summons and complaint and having failed to answer complaint of plaintiff(s) within the time allowed by law and default of said defendant(s) having been entered, plaintiff(s) applied to the court for judgment. Judgment is ordered as follows:

The court, after having considered the evidence, found the amount of rent due the plaintiff(s) to be $ .00, and assessed the statutory damages for the unlawful detainer at $ .00 and ordered the following judgment:
It is adjudged that on the complaint
Plaintiff(s):
TROJAN CAPITAL INVESTMENTS LLC

recover from defendants
BENIGNO YUZON JR
A MARTINES
the restitution and possesion of those premises situated in the County of Los Angeles, State of California, and more particularly described as:
25531 PRADO DE LAS BELLOTAS, , CALABASAS, CA. 91302

and the sum of $ .00, and $ .00 attorney fees, with costs as provided by law in the sum of $ .00 , and that the lease or agreement under which the aforesaid property is held be, and the same is hereby declared forfeited.

PLAINTIFF RESERVES JURISDICTION FOR MONEY DAMAGES.

TRACY KINCHELOE Deputy Clerk

FILED AND ENTERED
ON 2/03/17
SHERRI R CARTER, CLERK
CLERK OF THE ABOVE NAMED COURT

By: TRACY KINCHELOE , Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA NORTHWEST DISTRICT-VAN NUYS COURT COUNTY OF LOS ANGELES	FOR COURT USE ONLY
PLAINTIFF : TROJAN CAPITAL INVESTMENTS LLC VS DEFENDANT : YUZON JR, BENIGNO	
DEFAULT JUDGMENT BY COURT	CASE NUMBER 15B14162

In Department NWH,
Honorable MARILYN M. MORDETZKY , COMMISSIONER Presiding.
Court convened on 2/03/17; and the following proceedings were had:

The defendant(s)
BENIGNO YUZON JR
A MARTINES

Having been served with a copy of the summons and complaint and having failed to answer complaint of plaintiff(s) within the time allowed by law and default of said defendant(s) having been entered, plaintiff(s) applied to the court for judgment. Judgment is ordered as follows:

The court, after having considered the evidence, found the amount of rent due the plaintiff(s) to be $ .00, and assessed the statutory damages for the unlawful detainer at $ .00 and ordered the following judgment:
It is adjudged that on the complaint
Plaintiff(s):
TROJAN CAPITAL INVESTMENTS LLC

recover from defendants
BENIGNO YUZON JR
A MARTINES
the restitution and possesion of those premises situated in the County of Los Angeles, State of California, and more particularly described as:
25531 PRADO DE LAS BELLOTAS, , CALABASAS, CA. 91302

and the sum of $ .00, and $ .00 attorney fees, with costs as provided by law in the sum of $ .00 , and that the lease or agreement under which the aforesaid property is held be, and the same is hereby declared forfeited.

PLAINTIFF RESERVES JURISDICTION FOR MONEY DAMAGES.

______________________________ Deputy Clerk
TRACY KINCHELOE

FILED AND ENTERED
ON 2/03/17
SHERRI R CARTER, CLERK
CLERK OF THE ABOVE NAMED COURT

By: TRACY KINCHELOE , Deputy

EXHIBIT 4

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KIRY K. GRAY
Clerk of Court

WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

February 10, 2017

Los Angeles County Superior Court, Van Nuys
6230 Sylmar Ave
Van Nuys, CA 91401

Re: Case Number: 2:17-cv-00866-JAK-E
Previously Superior Court Case No. 15B14162
Case Name: TROJAN CAPITAL INVESTMENTS, LLC V. YUZON ET AL

Dear Sir/Madam:

Pursuant to this Court's ORDER OF REMAND issued on February 10, 2017, the above-referenced case is hereby remanded to your jurisdiction.

Attached is a certified copy of the ORDER OF REMAND and a copy of the docket sheet from this Court.

Please acknowledge receipt of the above by signing the enclosed copy of this letter and returning it to our office. Thank you for your cooperation.

REC'D BY U.S. MAIL
FEB 15 2017
L.A.S.C.-Northwest East

Respectfully,

Clerk, U.S. District Court

By: /s/ Brent Pacillas
Deputy Clerk
Brent_Pacillas@cacd.uscourts.gov
Western Division

cc: Counsel of record

Receipt is acknowledged of the documents described herein.

Clerk, Superior Court

FEB 15 2017
Date

By: TATYANA BETS
Deputy Clerk

EXHIBIT 5

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
COURT SERVICES DIVISION

NOTICE TO VACATE

CASE NUMBER: 15B14162

TO: Judgment debtor, members of the judgment debtor's household, and any occupants residing with the judgment debtor.

By virtue of a ***Writ of Possession of Real Property***, a copy of which is attached,
YOU ARE ORDERED TO VACATE THE PREMISES DESCRIBED IN THE WRIT NOT LATER THAN: 05-16, 20 17.

SHERIFF'S BRANCH (Name, Address and Telephone Number)

☐ ☐

JIM McDONNELL, SHERIFF

By: Anderson
Deputy

Date: 05-11-17

☐ ☐

75N654E SH-CI-52 (REV. 9/94)

NOTICE TO VACATE

DECLARATION OF EX PARTE NOTICE

I, David Kim, declare:

1. I am a citizen of the United States of America, over the age of eighteen (18) years, and not a party to the within action.
2. My business address is: 16133 Ventura Boulevard Seventh Floor, Encino, CA 91436
3. On May 31, 2017, at 8:37AM, I placed a telephone call to the office of Plaintiff's attorney of record, Michelle Rene Ghidotti at telephone number 949-354-2601 and reached the voicemail of Michelle Rene Ghidotti whereupon I identified myself to and stated I was calling for Defendant A. Martines to give "ex parte" notice whereupon I then clearly identified myself and stated that with regard to the unlawful detainer matter entitled "Trojan versus Youzon" Los Angeles County Superior Court case number 15B14162, Defendant, A. Martines, will file papers "ex parte", on June 1, 2017, with said United States District Court at 350 W. First Street, Courtroom 10B, Los Angeles, CA 90012 for an order re-opening said case for the limited purpose of applying for immediate relief from orders made by the Los Angeles County Superior Court in said Superior Court case February 3, 2016, notwithstanding removal of the said case to the jurisdiction of the United States Court on February 2, 2016.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed June 1, 2017, at Los Angeles, California,

David Kim